

REMARKS

This application pertains to novel film laminates which are particularly impermeable gas and the use of such film laminates as wrapping material for vacuum insulation panels.

The claims now pending are claims 1-11, and 14-25, claims 12 and 13 being canceled by this amendment.

The Examiner has called for headings, and same have been provided.

The disclosure stands objected to because of misspelling of the words maim and metalocenic. These spellings have now been corrected, and the objection should be withdrawn.

Claims 1-25 stand rejected under 35 USC 112, first paragraph, because the Examiner views the specification as enabling for thermoplastic polymer layers I, III and IV and ethylenevinyl alcohol copolymer or polyvinyl alcohol for layer II, but as not reasonably providing enablement for other materials such as thermoset polymers, paper, etc.

In a determined effort to advance the prosecution of this case, Applicants have now amended claim 1 to recite the specific materials which the Examiner sees as being supported by the specification.

The rejection of claims 1-25 under 35 USC 112, first paragraph, should accordingly now be withdrawn.

Claims 12 and 13 stand rejected under 35 USC 112, second paragraph, because the Examiner views said claims as confusing when read in conjunction with claim 1. Claims 12 and 13 have now been canceled and this rejection should therefore be withdrawn.

Claims 1-14 and 18-25 stand rejected for obvious-type double patenting over claims 1-8 of U.S. Patent 6,503,617 B2.

In US Patent 6,503,617 a multilayer film laminate is disclosed which comprises a sequence of at least two first layers having on one side a vapor deposited coating selected from the group consisting of aluminum, silicon oxide and a metal oxide of main group II or III of the periodic table of elements. The first layers are either bonded directly together or are adhered together by polyurethane adhesive. A gas barrier layer can only be included in a coextrudate used as heat sealing layer on the surface of said first layers.

The present invention differs from the multilayer film laminate of US 6,503,617. Applicants' gas barrier layer is sandwiched between layers I and III, each being vapor coated with aluminum and with the coated surface facing the gas barrier layer. According to US Patent 6,503,617, by contrast, the two vapor coated layers are directly bonded together without a gas barrier layer in between. The Examiner apparently assumes that a polyurethane adhesive layer can be regarded as a gas barrier layer. This is absolutely incorrect, and no person skilled in the art would expect a polyurethane adhesive layer to function as a gas barrier layer. Those skilled in the art know that such adhesive layers do not have any gas barrier properties.

Accordingly, Applicants' claims cannot be seen as obvious over the claims of US Patent 6,503,617, and the rejection of Applicants' claims for obviousness-type double patenting over claims 1-8 of U.S. Patent 6,503,617 B2 should accordingly be withdrawn.

In view of the present amendments and remarks it is believed that claims 1-11 and 14-25 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

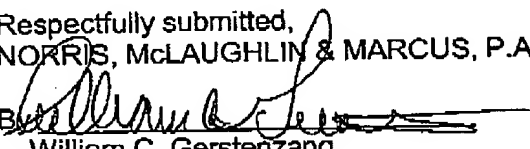
CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,  
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I hereby certify that this correspondence is being transmitted via facsimile, no. 703-872-9306 to the United States Patent and Trademark Office, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 1, 2003.

By Julie Harting

Julie Harting  
Date December 1, 2003